

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of )  
 )  
 **Paul M. Lizardi** ) Group Art Unit: 1655  
 )  
 U.S. Serial No.: Unassigned ) Examiner: Whisenant, E.  
 )  
 Filed: Concurrently )  
 )  
 For: **"ROLLING CIRCLE REPLICATION** )  
 **REPORTER SYSTEMS"** )

PRELIMINARY AMENDMENT

BOX PATENT APPLICATION  
Commissioner for Patents  
Washington, D.C. 20231

NEEDLE & ROSENBERG, P.C.  
Suite 1200, The Candler Building  
127 Peachtree Street, N.E.  
Atlanta, Georgia 30303-1811

January 2, 2002

Sir:

Prior to the issuance of an Office Action pertaining to the accompanying divisional application, which claims priority to application Serial No. 09/644,723, filed on August 23, 2000, which is a continuation of application Serial No. 09/132,553, filed August 11, 1998, which is a continuation of application Serial No. 08/563,912, filed November 21, 1995, please enter the following preliminary amendments and consider the following remarks.

**IN THE SPECIFICATION**

In the specification at page 1, after the title "ROLLING CIRCLE REPLICATION REPORTER SYSTEMS" and before line 3, which reads "Background Of The Invention," please insert the following replacement paragraph. A marked-up copy of the new paragraph, showing the nature of the amendments, is attached herewith in Appendix A.

-- This application is a continuation application of and claims priority to U.S. Patent Application No. 09/644,723, filed on August 23, 2000, which is a continuation of U.S. Patent Application No. 09/132,553, filed August 11, 1998, which is a continuation of U.S. Patent Application No. 08/563,912, filed November 21, 1995, all of which are hereby incorporated by this reference in their entirety.--

**REMARKS**

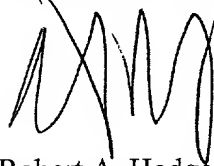
Applicant hereby requests that the computer readable form of the Sequence Listing submitted in U.S. Serial No. 08/563,912, filed November 12, 1995, by Paul M. Lizardi, entitled "Rolling Circle Replication Reporter Systems," be used in the above-identified application. The computer readable form to be used was mailed with application U.S. Serial No. 08/563,912 on November 21, 1995. The material on the diskette submitted in U.S. Serial No. 08/563,912 is identical to the paper copy of the Sequence Listing present in the above-identified application, and the Sequence Listing does not add new matter to the application.

**ATTORNEY DOCKET NO.: 25006.0001U5  
PATENT**

Pursuant to the above amendments and remarks, consideration and allowance of the pending application is believed to be warranted. The Examiner is invited and encouraged to directly contact the undersigned if such contact may enhance the efficient prosecution of this application to issue.

No additional fee is believed due. However, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

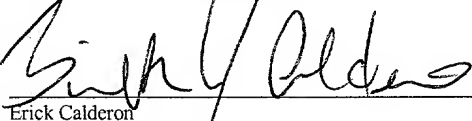


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CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, No. EL 924205961 US in an envelope addressed to BOX PATENT APPLICATION, Commissioner for Patents, Washington, D.C. 20231, on the date shown below

  
Erick Calderon

Date

1/2/02

**Appendix A**

Marked-up Copy of Replacement Paragraph

In the specification at page 1, after the title "ROLLING CIRCLE REPLICATION REPORTER SYSTEMS" and before line 3, which reads "Background Of The Invention," the following paragraph has been inserted.

-- This application is a continuation application of and claims priority to U.S. Patent Application No. 09/644,723, filed on August 23, 2000, which is a continuation of U.S. Patent Application No. 09/132,553, filed August 11, 1998, which is a continuation of U.S. Patent Application No. 08/563,912, filed November 21, 1995, all of which are hereby incorporated by this reference in their entirety.--